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Docket No.: PF-0635-2 DIV

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on August 14, 2002.

By: [Signature] Printed: Lyza Finuliar

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Tang et al.

Title: CALCIUM BINDING PROTEIN

Serial No.: 10/025,730

Filing Date: December 18, 2001

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL  
APPLICATION FILED UNDER 37 CFR § 1.53(b) -  
FILING DATE GRANTED**

Sir:

In response to the "Notice to File Missing Parts of Non-Provisional Application filed under 37 CFR § 1.53(b) - Filing Date Granted" mailed by the United States Patent and Trademark Office on **March 14, 2002** (copy attached), Applicants submit the following documents to complete the filing for the above-identified patent application. **The period of time for response has been extended until August 14, 2002, by the accompanying Petition and fee.**

1. Certificate Under 37 C.F.R. 3.73(b) and Agreement of Assignee to Correct Inventorship (2 pp.);
2. Petition Under 37 C.F.R. 1.48(a) to Correct Inventorship (2 pp.);
3. Statement of Lack of Deceptive Intention (1 pg.); and
4. Supplemental Executed Declaration and Power of Attorney for United States Patent Application (12 pp., signed in counter-part).

The Commissioner is hereby authorized to charge the amount of \$ 130.00 to Deposit Account No. 09-0108, as set forth in the accompanying transmittal letter. If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 09-0108.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

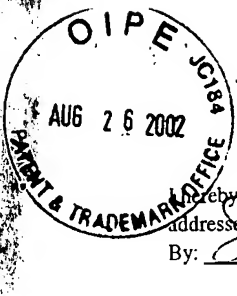
Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: August 14, 2002

Susan K. Sather

Susan K. Sather  
Reg. No. 44,316  
Direct Dial Telephone: (650) 845-4646

3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555  
Fax: (650) 849-8886



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Washington, D.C. 20231

**STATEMENT OF LACK OF DECEPTIVE INTENTION**

Sir:

The undersigned, Henry Yue, states as follows:

1. The inventorship error of failing to include Henry Yue as an inventor of the above-referenced application occurred without any deceptive intention on the part of Henry Yue.

2. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believe to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application on any patent issuing thereon.

Date: 8-09-02

[Signature]  
Henry Yue



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

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Serial No.: 10/025,730

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Washington, D.C. 20231

FEE TRANSMITTAL SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard;
2. Petition for Extension of Time 3 mon. (1 pg.);
3. Response to Notice to File Missing Parts - Filing Date Granted (2 pp.);
4. Certificate Under 37 C.F.R. 3073(b) and Agreement of Assignee to Correct Inventorship (2 pp.);
5. Petition Under 37 C.F.R. 1.48(a) to Correct Inventorship (2 pp.);
6. Statement of Lack of Deceptive Intention (1 pg.);
7. Supplemental Executed Declaration and Power of Attorney (12 pp., signed in counter-part); and
8. Copy of said Notice to File Missing Parts - Filing Date Granted, dated March 14, 2002 (1 pg.).

The fee has been calculated as shown below.

Fee for filing a Petition for Extension of Time Under 37 <u>3</u> Mo(s):	\$ 920.00
Fee for filing late Oath or Declaration under 37 CFR § 1.116(e):	\$ 130.00
Please charge Deposit Account No. 09-0108 in the amount of :	\$ <u>1050.00</u>

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: August 14, 2002

[Signature]

Susan K. Sather  
Reg. No. 44,316  
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Phone: (650) 855-0555  
Fax: (650) 845-4166

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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/025.730	12/18/2001	Y. Tom Tang	PF-0635-2 DIV

CONFIRMATION NO. 8039

## FORMALITIES LETTER



\*OC000000007639268\*

 INCYTE GENOMICS, INC.  
 PATENT DEPARTMENT  
 3160 Porter Drive  
 Palo Alto, CA 94304

Date Mailed: 03/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/27/2002 MBERHE 00000100 090108 10025730

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